

National Conference of Principal District Judges on Court Administration and Management (P- 897)

14th – 15th February 2015

Programme Report

The National Judicial Academy organized the “National Conference of Principal District Judges on Court Administration and Management” during 14th – 15th February, 2015. The main objective of the Conference was to enhance skills of the Principal District Judges towards effective court administration and management for achieving excellence at the District Judiciary’s level. In order to enhance excellence in court administration and management, adoption of new and innovative methods of administration and management is the need of hour. Similarly the recent advances in ICT tools application in this area has helped in reducing delay and arrears in Indian courts and court leaders must apprise themselves about such technological advancements. The Conference aimed to achieve these objectives along with substantially focusing on court administration skills among the Principal District Judges. The resource persons included Prof. (Dr.) G. Mohan Gopal, Mr. Mir Dara Sheko, Mr. Anil Kumar Gulati, Mr. Ravindra Maithani, Justice P. V. Reddi, Justice S.G. Shah, Mr. Rajiv Prakash Saxena, Justice Roshan S. Dalvi, Mr. Karan Garg and Mr. Kamesh Shukla.

Following are the main issues discussed in the Conference:

Session 1: The Role of NCMS in Improving Overall Judicial Management System

The first session began with the introduction by Mr. Rajesh Suman in which he elaborated the importance of this conference. He said that there is huge variation in the filing of cases in the state and variations in the methodology in the counting of the cases. There is very small number of cases than what is shown in the data. He discussed about the capacity of the Courts to dispose the case within specified time period, the barriers or the problems which arise in the case disposal and the recent initiatives taken by the Government of India and the Apex Court for the reformation of the Judiciary. He also suggested the possible solutions taken in order to remove those barriers so as to the proper functioning of the District Judiciary and also the assessment whether the conducive court culture is effective for proper disposal of cases.

Discussing about the Role of National Court Management System in Overall Judicial Management, Prof. (Dr.) G. Mohan Gopal, said that on this platform Judges come together to reflect their believes. He also said that by this conference the Judges could share their views and experiences which they think is responsible for delay in the administration of justice. As judiciary is a mirror of society, the way the court functions reflects the society. Today by and large at the national level the disposal of the case is equal to or greater than the no. of cases filed. Today somehow the pendency growth has come down. But he also said that higher the literacy rate, higher would be the awareness amongst people and hence there would be an increase in filing of the cases. As literacy goes up the filing goes up when it reaches the optimum level then it stabilizes. For example- State of Kerala when compared with other States like Tamil Nadu and

Jharkhand, we find that the number of cases filed in Kerala is much more than these two States. He also elaborated that-

- a. Our vision is to build up the capacity to plan and develop the judiciary. It is the vision that lies behind the government of India to plan the future development of the system. We should grow and develop and must also be acceptable to the change instead of sticking to the old ways.
- b. One major challenge which is constantly faced by the Indian judicial system is understaff, underequipped system which leads to time limitations and delay in the disposal of the cases. Hence very few people go to the courts due to technicalities which subsist in the dispensation of the justice. This happens due to non-availability of the proper and adequate information.

There could be three categories of the pending or delayed cases-

- I. **Filed and forgotten i.e. neglected cases,**
 - II. **Subverted cases** where one or either party will misuse or abuse legitimate protection of the laws,
 - III. Cases which suffer from some kind of **impracticability** which are genuine difficulties taking place.
 - IV. **Complex cases** i.e. conflicting HC judgments, many witnesses, fact binding issues, evidence etc.
 - V. He also mentioned that statistics must be prepared for the cases pending against the time standards.
- c. He discussed six basic elements NCMS (National Court Management System) which are-
- I. There must be established performance standards regarding delay i.e. there must not be irresponsibility.
 - II. A system of judicial statistics so as to know the situation in the country. Example- E-court etc. in order to give the correct picture of the actual performances by the judiciary. Reports and data must be made and there must be guidelines as to who will access it how to validate it, and also regarding the quality of data.
 - III. Court development planning at district, state and national level so as to access unique needs of every court. The court development plan must take care of the needs of the duty holders of every court like litigants, the bars etc.
 - IV. The centrality of the Human Resource quality must be developed and properly set up.
 - V. Case management system must be adopted.
 - VI. Monitoring of the performance of the court.

G. Mohan Gopal thus concluded by saying that there has been very positive change and there has been improvement in the performance of the judiciary which is not known to the public.

Mr. Mir Dara Shekha advised the district judges to accept the same as a capsule by bringing judiciary at a uniform platform. A district judge must sort out the problems by suggesting practical and easy solutions. It will increase friendliness amongst the officers and will leave no scope of criticizing each other. To increase friendliness amongst each other, he/she must ensure that the subordinate judges must be well equipped with adequate judicial staff and also the facility of the computers etc. must be made available to them. Being a district judge, it is

desirable to hear personal complaints against the orders passed in the development of newly appointed judicial officers, motivate the officers to take up the twisted cases, maintain friendly relations as possible. District judge must maintain a higher standard of punctuality, impartiality, integrity, humbleness, dedication, so as to face challenges against the bar, to avoid long arguments, make arrangements to provide internal training to staff members by identifying the lacunae, to get the cases fixed for hearing done up with. He must while listening to the case, discuss about the adjournment with the lawyers also. He must deliver prompt judgments, judgments must be short lucid and precise. One must restrict the cross examination to pleading, must maintain a good control over the processing agency. Lok Adalts must be promoted. Cases which could be disposed of in lesser time must be taken up first so that there is sufficient time available for trying the lengthy cases. He must sit on the bench at the right time and don't leave till the judicial work is completed and must also maintain a diary to take note of the cases to be taken in personal. He must exercise control over the cause list of the dates, ensure proper arrangements of all the ministerial staff to be present in the court. Encourage filing of the written arguments- presiding officer can go through the points of arguments well, and secondly the parties would be restricted to consider those points. This will help to run the judiciary in one umbrella.

Session-2: Initiatives by The National Mission for Justice Delivery and Legal Reforms to Improve Overall Court Administration at District Level.

Mr. Anil Kumar Gulati through his power point presentation demonstrated that there are two folded goal, one is to increase access to justice by reducing delays and arrears and second is to enhance accountability through structural changes and by setting performance standards and improving capacities. There is no transparency in the system because complainant does not know what has happened to his complaint. Five strategic initiatives which he stated were-

- I. Policy and Legislative Changes.
- II. Re-engineering Procedures and Alternative Methods of Dispute Resolution.
- III. Focus on Human Resource Development.
- IV. Leveraging ICT for Better Justice Delivery.
- V. Development of Infrastructure Facilities for the Subordinate Judiciary.

Mr. Ravindra Maithani said that all those who are the architects of the judicial system should keep in mind how the structure should be and the basic bricks must be placed rightly. He also referred to S.P. Gupta's case then came, All India Judges Association case, Report submitted by Mallimath commission, Brij mohan lal's case, malik majhab sultan's case. The problem faced by the special courts is that though some courts are converted into special court yet they are given other cases and though it is specified that which judicial officer would be handling the case but it does not practically happen.

Session-3: The ICT Tools Available in District Courts and How Their Use is leading to Timeliness

Justice P.V. Reddy gave an introductory theme about the session. Justice S.G. Shah focused on the need and advancement of technology in the judicial system. As criminals are far ahead of the judicial agencies, the court system also needs to be improved so that the techniques used by the

criminals are easily known to the Court and also the improved technology could make the functioning of the court much better. Each of us is a soldier in the war against humanity so one must react immediately. He advised that the Court must not frame itself in an old practice or system. Administrative work, court expenditure is a state subject generally but now the central government has started to fund it.

Mr. Ravindra Maithani also addressed the conference by saying that in the year 2005 E-committee was constituted to assist Chief Justice of India for computerization of the court. An action plan was prepared. But since the old fashioned ways existed, therefore E-committee was set up. First phase task was site preparation. National E-governance plan by Government of India was set up. The 13th point for the mission mould project of the government is related to E-courts. E-court is constantly monitored by the Central Government. This phase is all most completed within the extended period. Second phase is the very advanced phase. Local Area Network, laptops were distributed, trainings were organized of the Judges, change of technology was considered and accepted. The duties of the E-committee are also laid down.

National judicial data grid ahead will strengthen the bond with the common public. There must be a readable data so that it could be compared how Negotiable instrument Act has changed us positively or negatively.

One of the Judges put forward the issue that sometimes the orders or the judgments are uploaded again and again sometimes. For this kind of error there is a process to remove it. It is a user friendly technique.

Session-4: E-Prison Software: How to Use for Improving State of Affairs Related to Undertrial Prisoners

Mr. Rajeev Prakash Saxena, civil engineer, the Deputy Director General of the National Informatics Centre in India made us aware about the inhumane treatment of prisoners, miseries of prisoners and grievances of under trial prisoners. E-Prison software has come up for redressing of grievances of the under-trial prisoners. Mr. Saxena also gave a link for the national prison portals - "Eprisons.nic.in/temp" and then he referred to his power point presentations.

Session-5: Case Management for District Courts

Case management is very important so as to prevent the lawyer from delaying the cases to give less opportunity to lawyers to delay the proceedings.

Justice Roshan S. Dalvi said that management is required everywhere. Managers are drivers of the court. Not only men and women require management but the whole universe is working on the basis of the management.

She then showed her power point presentation.

The 5 steps to management are-

1. Planning.
2. Organizing.

3. Directing.
4. Coordinating.
5. Controlling.

With law one must refer to many subjects. Business management goes with law as well. They are-

1. Non-value added items.
2. Best suited work is done by the person in business.
3. Core competence.
4. Time Management.
5. Procedural simplification.
6. Paradigms.

Court Managers: Rule/Regulation/Tasks Taking Stock of Situation.

Mr. Maithani on court managers said that- “Let judges only judge and let the managers only manage.” Further he elaborated on this topic by way of personal opinions of judges present in the conference. Following are the views of participants of different states:

District Judge from Orissa said that duties of court manager are defined and the court managers are required to fulfil it, registers are prepared by them, according to the duties defined they get directions. He is a man between the judiciary and staff therefore some conflicts may arise at some point of time. Participants from Chhattisgarh disclosed that there were very less appointments of court managers. District Judge in Rajasthan said that he appointed court commissioners from all courts. He was of the view that a file is firstly crossed and it goes from officer higher and then to another higher officer. He stated that why can't it be in the judiciary? Short order can be passed. Himachal Pradesh Judges said that the roles of court managers are not defined. No court manager system is there in Delhi. In Madhya Pradesh also there is no court manager. In Tamil Nadu there is ego clash between other staffs and court managers which bypasses the Principal District Judges. Court managers do not understand their functions. No specific duty has been allotted to the court managers. District Judge from Balwani said that no court managers but he supports court managers. In Bihar also there is no court manager only the registrar does and manages the work. In Uttar Pradesh, district Balia also there no court manager is appointed. In Guwahati there is at least one court manager in every district. Duties are not defined but district judges assign them the duties. In West Bengal, Darjeeling there is no court manager appointed. Officers from the accounts department and other departments manage the work. He is positive towards the appointment of court managers. District Judge from Punjab said that the court managers and other court staff have been working cordially. Infrastructure, computerization protocols are handled by the court managers. In Jharkhand, there are court managers in each district. Collection of data, statistics, etc, is done by them. They are doing excellent work but Ubuntu training is not provided to them. According to the local needs other matters are assigned to them. Rest other tasks are done by the district judge which consumes a lot of time and proves to be the hindrance in the functioning of the court.

In Karnataka the court manager has been appointed from a couple of months and they function in all together a diff way because to them the object of court manager is not made known to them.

They are unable to judge with the present procedures. There lies total disparity, management failure because each day there is a new policy. So a well experienced person can be trained in law and then he can be appointed as court manager. There is a communication jargon as they use technical language like “pushing the data”. Judge of Andhra Pradesh said that there is a conflict between the court manager and other staff as the court managers probably come from the college culture. Whereas rest others follow a diff culture of court atmosphere. Hence there is the conflict. Court managers functions in a corporate or college style. For a new comer duties are not better introduced. Less training period is given to them. They consider themselves to be at the higher pedestal. They are not equipped to identify their jobs. Hence the conflict arises because there is a huge cultural difference.

Session 6: National Judicial Data Grid: Role of Principal District Judges

Mr. Karan Garg addressed the session and said that the lack of technical knowledge is the biggest hindrance for the problems faced by the court staff relating to the court managers. Mr. Garg and Mr. Kamlesh Shukla jointly addressed the audiences by showing a well-equipped power point presentation in which they referred to computer techniques which could be adopted by the judges in dispensation of the justice. Case information system was given due information in the session by way of power point presentation.
